

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TREMONT REALTY CAPITAL, INC.,

Plaintiff and Counterclaim Defendants,  
v.

PINNACLE GROUP, LLC, ADAMS  
CANYON RANCH, LLC, JOHN LANG,  
and MICHAEL GRADY,

Defendants and Counterclaim Plaintiffs.  
and

Civil Action No. 04-11853-RGS

PINNACLE GROUP, LLC, ADAMS  
CANYON RANCH, LLC, JOHN LANG,  
and MICHAEL GRADY,

Third-Party Plaintiffs,  
v.

FORTIS ADVISORS, LLC,  
TREMONT-FORTIS REALTY CAPITAL,  
LLC, RUSSELL POSORSKE, RICHARD  
C. GALLITTO AND DANIEL O. MEE

Third-Party Defendants.

**JOINT MOTION FOR AN EXTENSION OF TIME IN WHICH TO COMPLETE  
DISCOVERY**

Pursuant to Fed. R. Civ. P. 29 and upon the agreement of all parties, the parties request that the Court extend by three (3) months all remaining deadlines set forth in the Court's Scheduling Order of February 16, 2005, including the deadline for the completion of discovery. As grounds for this Motion, the parties hereby state as follows:

1. Pursuant to the Scheduling Order, the remaining pre-trial deadlines are as follows:

Completion of All Fact Discovery	September 30, 2005
Submit Expert Disclosures	October 15, 2005
Expert Depositions Completed	November 30, 2005
Dispositive Motions Filed	January 20, 2006

2. On March 30, 2005, the Defendants filed their Answer and Counterclaims along with a Third Party Complaint. On April 15, 2005, the Defendants filed their Amended Answer and First Amended Counterclaims along with their First Amended Third Party Complaint. On May 13, 2005, the Plaintiff, as Counterclaim Defendant, filed a partial motion to dismiss the Counterclaims. On June 20, 2005, the Third Party Defendants filed their motion to dismiss the Third Party Complaint.

3. After asking for, and receiving, two extensions of time, the Defendants filed their oppositions to the respective motions to dismiss on June 24, 2005. On August 3, 2005, the Court allowed the Defendants to file their Second Amended Answer and Counterclaims and Second Amended Third Party Complaint, which they did on August 16, 2005. On August 23, 2005, the Plaintiff filed its Answer to the Second Amended Counterclaims. On September 6, 2005, the Defendants voluntarily dismissed a breach of contract claim against the Third Party Defendants, and the Third Party Defendants then filed their Answer on September 7, 2005.

4. The parties have begun the discovery process. The Plaintiff initiated the discovery process by serving document requests and interrogatories on the Defendants on August 2, 2005.

5. Nonetheless, the lengthy pleading period in this case has delayed the discovery process. As a result, the parties have agreed that they cannot complete discovery before the current deadline of September 30, 2005.

6. Accordingly, the parties request that the remaining pre-trial deadlines each be extended three (3) months as follows:

Completion of All Fact Discovery	December 31, 2005
Submit Expert Disclosures	January 15, 2006
Expert Depositions Completed	February 28, 2006
Dispositive Motions Filed	April 21, 2006

7. All parties, through their respective counsel, have assented to the granting of this Motion.

8. No prior extension of time of the aforementioned pre-trial deadlines has been requested or granted.

9. No party will be prejudiced by the granting of this Motion.

WHEREFORE, the parties respectfully request that the Court enter an order enlarging the time in which the parties have to conduct discovery by three (3) months, and that all subsequent deadlines be similarly extended for a period of three (3) months each.

Respectfully submitted,

PINNACLE GROUP, LLC,  
ADAMS CANYON RANCH, LLC,  
JOHN LANG, and MICHAEL GRADY

FORTIS ADVISORS, LLC;  
TREMONT-FORTIS REALTY CAPITAL,  
LLC; RUSSELL POSORSKE; RICHARD  
C. GALLITTO; and DANIEL O. MEE

By their attorneys,

By their attorneys,

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By its attorneys,

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Dated September 29, 2005